

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DARRELL KEMP, et al.,

Plaintiffs,

-v-

BONOBOS, INC.,

Defendants.  
-----X

21-CV-0854 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On March 26, 2021, Defendant filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure as well as a motion to compel one Plaintiff to arbitrate his claims. *See* ECF Nos. 22, 24. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiffs shall file any amended complaint by **April 14, 2021**. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.


If Plaintiffs do amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss and/or compel arbitration; or (3) file a letter on ECF stating that it relies on the previously filed motions. If Defendant files an answer or a new motion(s), the Court will deny the previously filed motion(s). If Defendant files a new motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss and motion to compel arbitration by **April 14, 2021**. Defendant's replies, if any, shall be filed by **April 23, 2021**. At the time any reply is served, the moving party shall supply the Court with one, double-sided courtesy hard copy of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York.

Finally, it is further ORDERED that the initial pretrial conference previously scheduled for May 5, 2021 is adjourned *sine die*.

SO ORDERED.

Dated: March 30, 2021  
New York, New York

  
JESSE M. FURMAN  
United States District Judge